

REMARKS/ARGUMENTS

Claims 1-8 are pending herein. Claim 1 has been amended as supported by Fig. 1 of the present application, for example.

Examiner Kackar is thanked for courtesies extended to Applicants' undersigned representative during a telephonic interview on July 8, 2004. During the interview, Examiner Kackar tentatively agreed that pending claim 1 (as amended above) defines patentable subject matter over Aruga, discussed below.

1. Claims 1 and 7 were rejected under §102(b) over Aruga et al. As discussed above, during the July 8, 2004 interview, Examiner Kackar tentatively agreed that pending claim 1 defines patentable subject matter over Aruga. Specifically, Examiner Kackar agreed that Aruga fails to disclose or suggest that a first wall portion, a second wall portion and one or more continuous round portions of a supporting member define a one-piece structure, as presently claimed.

2. Claims 1 and 3-8 were rejected under §102(b) over Applicants' admitted prior art (AAPA). This rejection is respectfully traversed.

The PTO's position during the interview was that prior art Fig. 6 in the present application can be broadly interpreted as showing a supporting member 21 including an inner surface that has a substantially constant diameter along the entire length of the supporting member, as claimed. In contrast to the PTO's apparent interpretation of "substantially constant," Federal Circuit decisions have repeatedly held that the claim term "substantially constant" denotes language of approximation. See *Deering Precision Instruments LLC v. Vector Distribution Systems Inc.*, 68 USPQ2d 1716, 1721 (Fed. Cir. 2003)(the phrase "substantially constant" denotes language of approximation); See also, *Verve LLC v. Crane Cams Inc.*, 65 USPQ2d 1051, 1054 (Fed. Cir. 2002)(expressions such as "substantially" are used in patent documents when warranted by the

nature of the invention, in order to accommodate the minor variations that may be appropriate to secure the invention, and indeed may be necessary in order to provide the inventor with the benefit of his invention); see further, *Ecolab Inc. v. Envirochem, Inc.*, 60 USPQ2d 1173, 1179 (Fed. Cir. 2001)(the term "substantially" is a descriptive term commonly used in patent claims to avoid a strict numerical boundary to the specified parameter). When properly viewed in light of the above Federal Circuit case law principles, it becomes abundantly clear that supporting member 21 shown in prior art Fig. 6 of the present application does not include an inner surface that has a substantially constant diameter along its entire length, as claimed. That is, it is clear that the inner diameter of the enlarged upper portion of supporting member 21 (i.e., near reference numeral 21a) is not approximately the same as compared to the inner diameter of the main body portion of supporting member 21. This rejection should be withdrawn.

During the interview, the PTO requested that Applicants change "substantially constant diameter" appearing in the last line of pending claim 1 to --constant diameter--. As discussed during the interview, deleting the term "substantially" from pending claim 1 would result in a technically inaccurate recitation of the claimed supporting member structure, because, on a microscopic level, the inner diameter of the supporting member can never be constant. As such, amending pending claim 1 to delete the term "substantially," as requested by the PTO, would not only unduly limit the scope of protection for the claimed supporting member structure, but would also render claim 1 technically inaccurate with respect to the supporting member structure.

In view of all of the foregoing, reconsideration and withdrawal of the §102(b) rejection over AAPA are respectfully requested.

3. Claim 2 was rejected under §103(a) over Aruga et al. As discussed above, during the July 8, 2004 telephonic interview, the PTO indicated that claim 1 (as amended above) defines

patentable subject matter over Aruga. Since claim 2 depends directly from claim 1, that claim is also allowable over Aruga.

4. Claims 3, 6 and 8 were rejected under §103(a) over Aruga et al. in view of Chen et al. Again, the PTO has already indicated that claim 1 (as amended above) defines patentable subject matter over Aruga. Since Chen does not overcome the deficiencies of Aruga, and since claims 3-6 and 8 depend either directly or indirectly from claim 1, claims 3-6 and 8 are also believed to be allowable over the applied prior art of record.

Examiner Kackar is requested to confirm receipt and consideration of the Information Disclosure Statement filed May 3, 2002, a courtesy copy of which, along with our postcard receipt, is enclosed for the convenience of the PTO.

If Examiner Kackar believes that contact with Applicants' attorney would be advantageous toward the disposition of this case, he is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,

September 2, 2004

Date

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May 3, 2002 Information Disclosure Statement
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